

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PAUL PHELPS,

Plaintiff,

v.

PEREZ, *et al.*,

Defendants.

Case No. 1:21-cv-01108-JLT-BAM (PC)

ORDER VACATING MAY 31, 2022
SETTLEMENT CONFERENCE AND WRIT
OF HABEAS CORPUS AD
TESTIFICANDUM DIRECTING
PRODUCTION OF INMATE PAUL PHELPS,
NO. 102480
(ECF No. 30)

ORDER DIRECTING CLERK'S OFFICE TO
SERVE ORDER BY E-MAIL ON THE
MADERA COUNTY JAIL

ORDER FOR PLAINTIFF TO SUBMIT A
NOTICE OF CHANGE OF ADDRESS

THIRTY (30) DAY DEADLINE

On May 2, 2022, the Court issued a writ of habeas corpus ad testificandum directing the production of Plaintiff Paul Phelps, county jail inmate, No. 102480, for a video settlement conference on May 31, 2022, as a witness on his own behalf in this matter. (ECF No. 30.) On May 10, 2022, Defendants submitted a response indicating that the Madera County Jail, where Plaintiff was previously housed, recently released Plaintiff on County Parole and Plaintiff is no longer in custody. (ECF No. 32.) Plaintiff has not submitted a notice of change of address to the

1 Court and his whereabouts are purportedly unknown by Defendants.

2 Based on the above, the Court finds it appropriate to vacate the May 31, 2022 video
3 settlement conference and the transportation writ for Plaintiff. Further, Plaintiff shall submit a
4 notice of change of address within thirty (30) days, or this action will be dismissed for failure to
5 prosecute.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The video settlement conference set before Magistrate Judge Stanley A. Boone on May
8 31, 2022 at 1:30 p.m. is VACATED;
- 9 2. The writ of habeas corpus ad testificandum directing the production of Paul Phelps, No.
10 102480, issued on May 2, 2022, (ECF No. 30), is VACATED;
- 11 3. The Clerk's Office shall serve a courtesy copy of this order by e-mail on the Madera
12 County Jail;
- 13 4. Within **thirty (30) days** from the date of service of this order, Plaintiff shall submit a
14 notice of change of address; and
- 15 5. **If Plaintiff fails to comply with this order, the Court will recommend dismissal of**
16 **this action, without prejudice, for failure to prosecute and failure to obey a court**
17 **order.**

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19 IT IS SO ORDERED.

20 Dated: May 13, 2022

21 /s/ Barbara A. McAuliffe
22 UNITED STATES MAGISTRATE JUDGE
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